

103^D CONGRESS
2^D SESSION

S. 2546

To enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, SEPTEMBER 12), 1994

Mr. FORD introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To enhance the safety of air travel through a more effective Federal Aviation Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Aviation Ad-
5 ministration Independent Establishment Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) the civil aviation industry in the United
9 States has experienced an unprecedented period of

1 rapid development and expansion over the past dec-
2 ade;

3 (2) the Federal Aviation Administration, an ad-
4 ministration within the Department of Transpor-
5 tation, has been charged by the Congress with the
6 responsibility for overseeing the safe operation of
7 this essential segment of the national economy;

8 (3) the Federal Aviation Administration oper-
9 ates the most efficient air traffic control system in
10 the world;

11 (4) the Federal Aviation Administration must
12 be able to move forward with its plans to modernize
13 the air transportation network in an efficient and
14 cost effective manner to reduce delays, provide more
15 direct routing of aircraft, and facilitate the use of
16 satellite technology;

17 (5) funds must be collected from all of the
18 users of the air transportation system on an equi-
19 table basis and those funds must be spent on im-
20 proving the safety and efficiency of the air transpor-
21 tation system;

22 (6) the ability to expand capacity of the air
23 traffic control system depends on a complex set of
24 variables and the Federal Aviation Administration
25 must have sufficient funds, resources and appro-

1 prate personnel to manage the future air traffic
2 control system;

3 (7) the ability to expand capacity of the air
4 traffic control system is highly dependent upon suffi-
5 cient runway and airport capacity, and as such, Con-
6 gress must ensure that appropriate funds are pro-
7 vided to fund the airport improvement program;

8 (8) the Federal Aviation Administration must
9 oversee the growth and development of the entire air
10 transportation system, and coordinate and facilitate
11 research, development, implementation and installa-
12 tion of new technology, new runways and new air-
13 ports;

14 (9) the Federal Aviation Administration must
15 coordinate its modernization plans with the ultimate
16 users of the systems and seek input from the users
17 and air traffic controllers, on how best to proceed
18 with modernization efforts;

19 (10) the importance of the airport and airway
20 system to our national defense and the need for a
21 working relationship between civil and military avia-
22 tion necessitates the continued highly successful re-
23 lationship and cooperative efforts between the Fed-
24 eral Aviation Administration and the Department of
25 Defense;

1 (11) to assure air safety through the continued
2 modernization and expansion of the Nation's system
3 of airports and airways, the Federal Aviation Ad-
4 ministration must continue to emphasize research
5 and development projects; and

6 (12) if the Federal Aviation Administration is
7 provided with greater autonomy and consistent lead-
8 ership, it can be expected to exercise vigorously its
9 prerogatives with the direction and guidance of the
10 President and under the ongoing oversight of the
11 Congress.

12 **SEC. 3. DEFINITIONS.**

13 For the purposes of this Act—

14 (1) the term “Administration” means the Fed-
15 eral Aviation Administration established under sec-
16 tion 4; and

17 (2) the term “Administrator” means the Ad-
18 ministrator of the Federal Aviation Administration
19 appointed under section 5(a).

20 **SEC. 4. ESTABLISHMENT.**

21 There is established as an independent establishment
22 of the Government the Federal Aviation Administration.
23 The Administration shall succeed the Federal Aviation
24 Administration of the Department of Transportation in

1 existence on the day before the effective date set forth in
2 section 28(a).

3 **SEC. 5. OFFICERS.**

4 (a) The Administration shall be administered by an
5 Administrator, who shall be appointed by the President
6 to a 5-year term of office, by and with the advice and con-
7 sent of the Senate. Under the supervision and direction
8 of the President, the Administrator shall carry out all
9 functions transferred to the Administrator by this Act and
10 shall have authority and control over all personnel, pro-
11 grams, and activities of the Administration. The Adminis-
12 trator may be removed by the President for neglect of duty
13 or malfeasance in office. The Administrator shall be com-
14 pensated at the rate prescribed for level I of the Executive
15 Schedule pay rates.

16 (b) There shall be in the Administration a Deputy
17 Administrator, who shall be appointed by the Adminis-
18 trator. The Deputy Administrator shall perform such
19 functions, duties, and powers as the Administrator shall
20 prescribe. The Deputy Administrator shall act for and per-
21 form the functions of the Administrator when the Admin-
22 istrator is absent or unable to serve, or when the office
23 of the Administrator is vacant. The Deputy Administrator
24 shall be compensated at the rate prescribed for level II
25 of the Executive Schedule pay rates.

1 (c) There shall be in the Administration a maximum
2 of 8 Assistant Administrators, who shall be appointed by
3 the Administrator. The Assistant Administrators shall
4 perform such functions as the Administrator shall pre-
5 scribe. The Administrator shall designate the order in
6 which the Assistant Administrators shall act for and per-
7 form the functions of the Administrator when the Admin-
8 istrator, or in the Administrator's place the Deputy Ad-
9 ministrator, is absent or unable to serve, or when the of-
10 fices of the Administrator and the Deputy Administrator
11 are vacant. An Assistant Administrator shall be com-
12 pensated at the rate prescribed for level IV in the Execu-
13 tive Schedule pay rates.

14 (d) There shall be in the Administration a Chief
15 Counsel, who shall be appointed by the Administrator. The
16 Chief Counsel shall be the chief legal officer for all legal
17 matters arising from the conduct of the functions of the
18 Administration. The Chief Counsel shall be compensated
19 at the rate prescribed for level IV of the Executive Sched-
20 ule pay rates.

21 (e) There shall be in the Administration an Inspector
22 General appointed in accordance with the Inspector Gen-
23 eral Act of 1978, approved October 12, 1978 (5 App.
24 U.S.C.). The Inspector General shall be compensated at

1 the rate prescribed for level IV of the Executive Schedule
2 pay rates.

3 (f)(1) Each of the officers referred to in this section
4 must be a citizen of the United States. The Administrator
5 must be a civilian.

6 (2) Such officers may not have a pecuniary interest
7 in, or own stock in or bonds of, an aeronautical enterprise,
8 or engage in another business, vocation, or employment.

9 **SEC. 6. POWERS.**

10 (a) The Administrator shall be responsible for the ex-
11 ercise of all powers and the discharge of all duties of the
12 Administration.

13 (b) In carrying out the functions of the Administra-
14 tion under this Act, the Administrator shall be governed
15 by all applicable statutes, including the policy standards
16 set forth in subtitle VII of title 49 United States Code.

17 (c) Nothing in this Act shall be construed to limit
18 in any manner the authority of the Administrator to pro-
19 mote safety by establishing and administering accident
20 prevention programs, encouraging airport development,
21 educating the public on the importance of aeronautics, and
22 encouraging the adoption of worldwide safety standards.

23 (d) Decisions of the Administrator made pursuant to
24 the exercise of the functions enumerated in subtitle VII
25 of title 49, United States Code, shall be administratively

1 final, and appeals as currently authorized by law shall be
2 taken directly to the National Transportation Safety
3 Board or to any court of competent jurisdiction, as appro-
4 priate.

5 **SEC. 7. TRANSFERS AND INCIDENTAL PROVISIONS.**

6 (a) The following are transferred to the Administra-
7 tion:

8 (1) All functions vested by law in the Federal
9 Aviation Administration of the Department of
10 Transportation or its Administrator, and all func-
11 tions vested by law in the Secretary of Transpor-
12 tation or the Department of Transportation which
13 are administered through the Federal Aviation Ad-
14 ministration, including those exercised under Sub-
15 title VII of Title 49, United States Code, except for
16 those functions exercised under section 40104 of
17 title 49, United States Code, relative to fostering the
18 development of civil aeronautics and air commerce,
19 and exercised by the Secretary of Transportation
20 under Part A, Subpart II (Economic Regulation) of
21 such Subtitle.

22 (2) The functions of the Department of Trans-
23 portation or the Federal Aviation Administration of
24 the Department of Transportation necessary and ap-

1 appropriate for the performance of the functions trans-
2 ferred by paragraph (1) of this subsection.

3 (3) So much of the personnel, property, records,
4 funds, accounts, and unexpended balances of appro-
5 priations, allocations, and other moneys of the De-
6 partment of Transportation as are employed, used,
7 held, available, or to be made available in connection
8 with the functions transferred by paragraphs (1)
9 and (2) of this subsection.

10 (b) The personnel transferred under this section shall
11 be so transferred without reduction in classification or
12 compensation, except that after such transfer, such per-
13 sonnel shall be subject to changes in classification or com-
14 pensation in the same manner, to the same extent, and
15 according to the same procedure, as provided by law.

16 (c) The Administrator shall exercise all functions
17 transferred by subsection (a) of this section and any other
18 function vested in the Federal Aviation Administration or
19 the Administrator of the Federal Aviation Administration
20 by any law enacted on or after the date of enactment of
21 this Act. The Administrator may from time to time make
22 such provisions as the Administrator shall deem appro-
23 priate authorizing the performance by any other officer,
24 employee, or office of the Administration of such func-
25 tions.

1 **SEC. 8. DEVELOPMENT PLAN.**

2 The Administrator shall prepare a 3-year develop-
3 ment plan outlining goals and objectives for personnel,
4 technology, and regulation in such areas as air traffic con-
5 trol, aviation standards, airport security, airport and air-
6 way development, and research and development. The plan
7 shall, not later than January 1, 1996, be submitted to the
8 Committee on Commerce, Science, and Transportation of
9 the Senate and the Committee on Public Works and
10 Transportation in the House of Representatives, and up-
11 dated plans shall be so submitted every 3 years thereafter.

12 **SEC. 9. RULES; REGULATIONS.**

13 (a) In the performance of the functions of the Admin-
14 istrator and the Administration, the Administrator is au-
15 thorized to make, promulgate, issue, rescind, and amend
16 rules and regulations. The promulgation of such rules and
17 regulations shall be governed by the provisions of chapter
18 5 of title 5, United States Code.

19 (b) The Administrator shall consider comments and
20 recommendations submitted by the Secretary of Transpor-
21 tation in response to any notice of proposed rulemaking
22 by the Administrator, and shall address the comments
23 raised by the Secretary during the course of the rule-
24 making, providing an explanation of any decision not to
25 adopt a recommendation by the Secretary.

1 **SEC. 10. DELEGATION.**

2 Except as otherwise provided in this Act, the Admin-
3 istrator may delegate any function to such officers and
4 employees of the Administration as the Administrator may
5 designate, and may authorize such successive
6 redelegations of such functions in the Administration as
7 may be necessary or appropriate. No delegation of func-
8 tions by the Administrator under this section or under any
9 other provision of this Act shall relieve the Administrator
10 of responsibility for the administration of such functions.

11 **SEC. 11. PERSONNEL AND SERVICES.**

12 (a) In the performance of the functions of the Admin-
13 istrator and in addition to the officers provided for by sec-
14 tion 5, the Administrator is authorized to appoint, trans-
15 fer, and fix the compensation of such officers and employ-
16 ees, including attorneys, as may be necessary to carry out
17 the functions of the Administrator and the Administra-
18 tion. Except as otherwise provided by law, such officers
19 and employees shall be appointed in accordance with the
20 civil service laws and compensated in accordance with title
21 5, United States Code.

22 (b) The Administrator is authorized to obtain the
23 services of experts and consultants in accordance with sec-
24 tion 3109 of title 5, United States Code.

25 (c) The Administrator is authorized to pay transpor-
26 tation expenses, and per diem in lieu of subsistence ex-

1 penses, in accordance with chapter 57 of title 5, United
2 States Code.

3 (d) The Administrator is authorized to utilize, on a
4 reimbursable basis, the services of personnel of any Fed-
5 eral agency.

6 (e)(1)(A) The Administrator is authorized to accept
7 voluntary and uncompensated services without regard to
8 the provisions of section 1342 of title 31, United States
9 Code, if such services will not be used to displace Federal
10 employees employed on a full-time, part-time, or seasonal
11 basis.

12 (B) The Administrator is authorized to accept volun-
13 teer service in accordance with the provisions of section
14 3111 of title 5, United States Code.

15 (2) The Administrator is authorized to provide for
16 incidental expenses, including transportation, lodging, and
17 subsistence for such volunteers.

18 (3) An individual who provides voluntary services
19 under this subsection shall not be considered a Federal
20 employee for any purpose other than for purposes of chap-
21 ter 81 of title 5, United States Code, relating to com-
22 pensation for work injuries, and chapter 171 of title 28,
23 United States Code, relating to tort claims.

24 (f)(1) The Administrator is authorized to grant to
25 any employee of the Administration an incentive allowance

1 of not to exceed 20 percent of the basic pay of the em-
2 ployee if necessary to provide safe and efficient service in
3 major facilities which the Administrator finds—

4 (A) are critical to the national airspace system;

5 (B) have been chronically understaffed; or

6 (C) are in remote or high cost locations.

7 (2) An incentive allowance may be granted under
8 paragraph (1) only if—

9 (A) the Administrator transmits a full written
10 explanation of the proposed allowance and the rea-
11 sons therefor, including the basis for each required
12 determination and finding, to the Committee on
13 Commerce, Science, and Transportation of the Sen-
14 ate and the Committee on Public Works and Trans-
15 portation of the House of Representatives; and

16 (B) the 60-day period immediately following the
17 transmission of such written explanation has ex-
18 pired.

19 (g) The Administrator shall study ways to com-
20 pensate or otherwise provide additional incentives to en-
21 courage employees to seek, accept, and remain in super-
22 visory and managerial positions, including compensation
23 opportunities that are at least as substantial as those
24 available to employees in nonsupervisory and
25 nonmanagerial positions of comparable grades within the

1 General Schedule. The Administrator shall, not later than
2 6 months after the effective date of this section, report
3 to Congress on the results of such study, including any
4 recommendations for legislative action.

5 **SEC. 12. CONTRACTS.**

6 The Administrator is authorized to enter into and
7 perform such contracts, leases, cooperative agreements, or
8 other transactions as may be necessary to carry out the
9 functions of the Administrator and the Administration.
10 The Administrator may enter into such contracts, leases,
11 agreements, and transactions with any Federal agency or
12 any instrumentality of the United States, or with any
13 State, territory, or possession, or with any political sub-
14 division thereof, or with any person, firm, association, cor-
15 poration, or educational institution, on such terms and
16 conditions as the Administrator may consider appropriate.
17 The authority of the Administrator to enter into contracts
18 and leases under this section shall be to such extent or
19 in such amounts as are provided in appropriation Acts.

20 **SEC. 13. FINANCE AND BUDGET.**

21 (a)(1) There is established in the Treasury of the
22 United States a trust fund to be known as the "Aviation
23 Trust Fund Account", consisting of such amounts as may
24 be appropriated or credited to the Aviation Trust Fund
25 Account as provided in this subsection and section

1 9502(a) of the Internal Revenue Code of 1986 (26 U.S.C.
2 9502(a)), as amended by paragraph (2) of this subsection.

3 (2) There are appropriated to the Aviation Trust
4 Fund Account amounts determined by the Secretary of
5 the Treasury to be equivalent to those taxes described in
6 section 9502(b) of the Internal Revenue Code of 1986 (26
7 U.S.C. 9502(b)) received after September 30, 1995.

8 (3) There are authorized to be appropriated to the
9 Aviation Trust Fund Account such additional sums as
10 may be required to make the expenditures referred to in
11 paragraph (5) of this subsection.

12 (4) The Secretary of the Treasury shall invest such
13 portion of the Aviation Trust Fund Account as is not,
14 in the Secretary's judgment, required to meet current
15 withdrawals. The interest on, and the proceeds from, any
16 such investments shall be credited to and form a part of
17 the Aviation Trust Fund Account.

18 (5) Amounts in the Aviation Trust Fund Account
19 shall be available, without further appropriation, for mak-
20 ing expenditures after October 1, 1995, to meet those obli-
21 gations of the United States incurred by the Administra-
22 tion—

23 (A) under subtitle VII of title 49, United States
24 Code; or

1 (B) for administrative expenses attributable to
2 the activities described in subparagraphs (A) and
3 (B).

4 (6)(A) Section 9502(a) of the Internal Revenue Code
5 of 1986 (26 U.S.C. 9502(a)) is amended by inserting im-
6 mediately before the period at the end the following: “,
7 except that the interest and proceeds received after Octo-
8 ber 1, 1995, as a result of Trust Fund investments under
9 section 9602(b) shall be credited to the Aviation Trust
10 Fund Account established by section 14 of the Federal
11 Aviation Administration Independent Establishment Act
12 of 1994.”.

13 (B) Section 9502(b) of the Internal Revenue Code
14 of 1986 (26 U.S.C. 9502(b)) is amended by striking “Jan-
15 uary 1, 1991” each place it appears and inserting in lieu
16 thereof “October 1, 1995”.

17 (C) Section 9502(d) of the Internal Revenue Code of
18 1986 (26 U.S.C. 9502(d)) is amended—

19 (1) in paragraph (2) by inserting “and before
20 October 1, 1995,” immediately after “August 31,
21 1982,”; and

22 (2) in paragraph (3) by inserting “and before
23 October 1, 1995” immediately after “August 31,
24 1982”.

1 (D) Section 9502 of the Internal Revenue Code of
2 1986 (26 U.S.C. 9502) is amended by adding at the end
3 the following new subsection:

4 “(e) TERMINATION OF AIRPORT AND AIRWAY TRUST
5 FUND.—The Airport and Airway Trust Fund shall termi-
6 nate on October 1, 1996, and all amounts in such Trust
7 Fund shall be transferred upon termination to the Avia-
8 tion Trust Fund Account established by section 14 of the
9 Federal Aviation Administration Independent Establish-
10 ment Act of 1994.”.

11 (b) Notwithstanding any other provision of law, the
12 receipts and disbursements of the Aviation Trust Fund
13 Account shall not, for any fiscal year—

14 (1) be counted in calculating the deficit under
15 section 3(6) of the Congressional Budget and Im-
16 poundment Control Act of 1974 (2 U.S.C. 622(6))
17 for purposes of comparison with the maximum defi-
18 cit amount under the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985;

20 (2) be counted in calculating the excess deficit
21 for purposes of sections 251 and 252 of the Bal-
22 anced Budget and Emergency Deficit Control Act of
23 1985 (2 U.S.C. 901 and 902); or

24 (3) be subject to sequestration or reduction
25 under such sections 251 and 252.

1 (c)(1) Each year the Administrator shall prepare a
2 budget for the Administration, which shall contain esti-
3 mates of the financial condition and operations of the Ad-
4 ministration for the current and ensuing four fiscal years,
5 and the actual condition and results of operations for the
6 last completed fiscal year. Such budget shall be submitted
7 to the Office of Management and Budget, under such
8 rules and regulations as the President may establish as
9 to the date of submission, the form and content, the classi-
10 fication of data, and the manner in which such reports
11 shall be prepared and presented. The budget shall identify
12 separately the programs, projects, and activities deter-
13 mined by the Administrator to be appropriate for obliga-
14 tion from the Trust Fund pursuant to the provisions of
15 this section. The budget submission shall also include a
16 statement of income and expenses, and analysis of surplus
17 or deficit, and any other such supplementary information
18 as is necessary or desirable to make known about the fi-
19 nancial condition and operations of the Administration.
20 The annual budget shall be included in the budget submit-
21 ted by the President pursuant to chapter 11 of title 31,
22 United States Code.

23 (2) For fiscal years beginning after September 30,
24 1995, the Director of the Office of Management and
25 Budget, after consulting with the Director of the Congres-

1 sional Budget Office and the Joint Committee on Tax-
2 ation, shall prepare an estimate of revenues and receipts
3 that will be appropriated or credited to the Aviation Trust
4 Fund Account established by subsection (a) of this section.
5 In no event shall expenditures authorized by the Adminis-
6 trator for any fiscal year exceed the amount of such reve-
7 nues and receipts estimated for that year pursuant to this
8 subsection.

9 (3) In the budget prepared pursuant to paragraph
10 (1) of this subsection, the Administrator shall identify all
11 expected expenditures from the Aviation Trust Fund Ac-
12 count by program, project, or activity.

13 (4) The Administrator shall report to the appropriate
14 committees of the Senate and House of Representatives
15 by April 15 of each year on any changes in planned ex-
16 penditures from the Aviation Trust Fund Account for the
17 upcoming fiscal year pursuant to paragraph (3) of this
18 subsection. Consistent with the provisions of this section,
19 the Administrator may thereafter modify the report and
20 shall advise in writing the appropriate committees of the
21 Senate and House of Representatives regarding any such
22 modification.

23 (d)(1) In preparing the budget report pursuant to
24 subsection (c) of this section and in approving for expendi-
25 tures from the Aviation Trust Fund Account for pro-

1 grams, projects, and activities under this section, the Ad-
2 ministrator shall

3 (A) approve for obligation capital projects in
4 amounts up to the limit of authorizations provided
5 by law, and

6 (B) from available funds not obligated under
7 subparagraph (A), approve for obligation non-capital
8 activities authorized by law.

9 (2) The budgetary resources available for obligation
10 for each fiscal year after September 30, 1995, from the
11 Aviation Trust Fund Account shall be obligated in accord-
12 ance with the most recent report of the Administrator pur-
13 suant to subsections (c) and (d) of this section.

14 (e) For fiscal years beginning after September 30,
15 1995, committees in the Senate and House of Representa-
16 tives with jurisdiction to authorize and appropriate new
17 budget authority for programs of the Administration shall
18 authorize and appropriate such new budget authority for
19 periods of two fiscal years.

20 **SEC. 14. USE OF FACILITIES.**

21 With their consent, the Administrator may, with or
22 without reimbursement, use the services, equipment, per-
23 sonnel, and facilities of Federal agencies and other public
24 and private agencies, and may cooperate with other public
25 and private agencies and instrumentalities in the use of

1 services, equipment, personnel, and facilities. The head of
2 each Federal agency shall cooperate fully with the Admin-
3 istrator in making the services, equipment, personnel, and
4 facilities of the Federal agency available to the Adminis-
5 trator. The head of a Federal agency is authorized, not-
6 withstanding any other provision of law, to transfer to or
7 to receive from the Administration, without reimburse-
8 ment, supplies and equipment other than administrative
9 supplies or equipment.

10 **SEC. 15. ACQUISITION AND MAINTENANCE OF PROPERTY.**

11 (a) The Administrator is authorized—

12 (1) to acquire (by purchase, lease, condemna-
13 tion, or otherwise), construct, improve, repair, oper-
14 ate, and maintain—

15 (A) air traffic control facilities and equip-
16 ment;

17 (B) research and testing sites and facili-
18 ties; and

19 (C) such other real and personal property
20 (including office space and patents), or any in-
21 terest therein within and outside the continental
22 United States, as the Administrator considers
23 necessary;

24 (2) to lease to others such real and personal
25 property; and

1 (3) to provide by contract or otherwise for eat-
2 ing facilities and other necessary facilities for the
3 welfare of employees of the Administration at its in-
4 stallations and to purchase and maintain equipment
5 for such facilities.

6 (b) Title to any property or interest therein acquired
7 pursuant to this section shall be in the United States.

8 (c) The authority granted by subsection (a) shall be
9 available only with respect to facilities of a special purpose
10 nature which the Administrator determines cannot readily
11 be reassigned from similar Federal activities and are not
12 otherwise available for assignment to the Administration
13 by the Administrator of General Services.

14 (d) The authority of the Administrator to enter into
15 contracts and leases under this section shall be to such
16 extent or in such amounts as are provided in appropriation
17 Acts.

18 **SEC. 16. FACILITIES AT REMOTE LOCATIONS.**

19 (a) The Administrator is authorized to provide, con-
20 struct, or maintain for employees and their dependents
21 stationed at remote locations as necessary and when not
22 otherwise available at such remote locations—

- 23 (1) emergency medical services and supplies;
24 (2) food and other subsistence supplies;
25 (3) meeting facilities;

1 (4) audiovisual equipment, accessories, and sup-
2 plies for recreation and training;

3 (5) reimbursement for food, clothing, medicine,
4 and other supplies furnished by such employees in
5 emergencies for the temporary relief of distressed
6 persons;

7 (6) living and working quarters and facilities;
8 and

9 (7) transportation for school-age dependents of
10 employees to the nearest appropriate educational fa-
11 cilities.

12 (b) The furnishing of medical treatment under sub-
13 section (a)(1) and the furnishing of services and supplies
14 under subsection (a)(2) shall be at prices reflecting rea-
15 sonable value as determined by the Administrator.

16 (c) Proceeds derived from reimbursements under this
17 section shall be deposited in the Treasury and may be
18 withdrawn by the Administrator to pay directly the cost
19 of work or services provided under this section, to repay
20 or make advances to appropriations of funds which do or
21 will bear all or a part of such cost, or to refund excess
22 sums when necessary, except that such payments may be
23 credited to a service or working capital fund otherwise es-
24 tablished by law, and used under the law governing such
25 funds if the fund is available for use by the Administrator

1 for performing the work or services for which payment is
2 received.

3 **SEC. 17. ADVISORY COMMITTEE.**

4 (a) There is established an advisory committee which
5 shall be known as the Federal Aviation Advisory Commit-
6 tee (hereafter in this section referred to as the “Advisory
7 Committee”).

8 (b) The Advisory Committee shall consist of 5 mem-
9 bers, who shall consist of—

10 (1) the Secretary of Transportation (who shall
11 serve as Chairman);

12 (2) 2 members appointed by the Chairman and
13 Ranking Minority Member of the Committee on
14 Commerce, Science, and Transportation of the Sen-
15 ate; and

16 (3) 2 members appointed by the Chairman and
17 Ranking Minority Member of the Committee on
18 Public Works and Transportation of the House of
19 Representatives.

20 (c) Each individual appointed under subsection (b)
21 (2) and (3) as a member of the Advisory Committee shall
22 be knowledgeable about matters involving aviation.

23 (d) The Advisory Committee shall provide advice and
24 counsel to the Administrator on issues which affect or are
25 affected by the operations of the Administrator.

1 (e) Members of the Advisory Committee, including re-
2 placement members appointed to fill a vacancy, shall be
3 appointed to serve until the Advisory Committee is termi-
4 nated pursuant to subsection (h).

5 (f) Each member of the Advisory Committee shall be
6 paid actual travel expenses, and per diem in lieu of sub-
7 sistence expenses when away from his or her usual place
8 of residence, in accordance with section 5703 of title 5,
9 United States Code.

10 (g) The Administrator shall make available to the Ad-
11 visory Committee such staff, information, and administra-
12 tive services and assistance as may reasonably be required
13 to enable the Advisory Committee to carry out its respon-
14 sibilities under this section.

15 (h) The Advisory Committee shall cease to be in ef-
16 fect on the date that is 2 years after the effective date
17 of this section.

18 **SEC. 18. TRANSFERS OF FUNDS FROM OTHER FEDERAL**
19 **AGENCIES.**

20 The Administrator is authorized to accept transfers
21 from other Federal agencies to funds which are available
22 to carry out functions transferred by this Act to the Ad-
23 ministrator or functions assigned by law to the Adminis-
24 trator on or after the date of enactment of this Act.

1 **SEC. 19. SEAL OF ADMINISTRATION.**

2 The Administrator shall cause a seal of office to be
3 made for the Administration of such design as the Admin-
4 istrator shall approve. Judicial notice shall be taken of
5 such seal.

6 **SEC. 20. STATUS OF ADMINISTRATION UNDER CERTAIN**
7 **LAWS.**

8 For purposes of section 551 of title 5, United States
9 Code, the Administration is an agency. For purposes of
10 chapter 9 of such title, the Administration is an independ-
11 ent regulatory agency.

12 **SEC. 21. SAVINGS PROVISIONS.**

13 (a) All orders, determinations, rules, regulations, per-
14 mits, contracts, certificates, licenses, and privileges—

15 (1) which have been issued, made, granted, or
16 allowed to become effective by the President, any
17 Federal department or agency or official thereof, or
18 by a court of competent jurisdiction, on or after the
19 date of enactment of this Act, in regard to functions
20 which are transferred under this Act to the Adminis-
21 tration, and

22 (2) which are in effect at the time of the effec-
23 tive date set forth in section 28(a), shall continue in
24 effect according to their terms until modified, termi-
25 nated, superseded, set aside, or revoked in accord-
26 ance with law by the President, the Administrator or

1 other authorized officials, a court of competent juris-
2 diction, or by operation of law.

3 (b) The provisions of this Act shall not affect any
4 proceedings or any application for any license, permit, cer-
5 tificate, or financial assistance pending at the time of the
6 effective date set forth in section 28(a); and such proceed-
7 ings and applications, to the extent that they relate to
8 functions so transferred, shall be continued. Orders shall
9 be issued in such proceedings, appeals shall be taken
10 therefrom, and payments shall be made pursuant to such
11 orders, as if this Act had not been enacted; and orders
12 issued in any such proceedings shall continue in effect
13 until modified, terminated, superseded, or revoked by a
14 duly authorized official, by a court of competent jurisdic-
15 tion, or by operation of law. Nothing in this subsection
16 shall be deemed to prohibit the discontinuance or modi-
17 fication of any such proceeding under the same terms and
18 conditions and to the extent that such proceeding could
19 have been discontinued or modified if this Act had not
20 been enacted.

21 (c)(1) The provisions of this Act shall not affect suits
22 commenced prior to the effective date set forth in section
23 28(a).

1 (2) In all such suits, proceedings shall be had, ap-
2 peals taken, and judgments rendered in the same manner
3 and effect as if this Act had not been enacted.

4 (d) In any case involving one or more officers re-
5 quired by this Act to be appointed by and with the advice
6 and consent of the Senate who shall not have entered upon
7 office on the effective date set forth in section 28(a), the
8 President may designate any officer whose appointment
9 was required to be made by and with the advice and con-
10 sent of the Senate, and who was such an officer imme-
11 diately prior to the effective date set forth in section 28(a),
12 to act in such office until the office is filled as provided
13 in this Act. While so acting, any such person shall receive
14 compensation at the rates provided by this Act of the re-
15 spective office in which he or she acts.

16 **SEC. 22. LAWS AND REGULATIONS.**

17 Except to the extent otherwise provided in this Act,
18 all laws, rules, and regulations in effect and applicable to
19 the Federal Aviation Administration of the Department
20 of Transportation and to the Administrator of such Ad-
21 ministration on the date immediately preceding the effec-
22 tive date set forth in section 28(a) shall, on and after such
23 effective date, be applicable to the Federal Aviation Ad-
24 ministration and the Administrator established by this

1 Act, until such law, rule, or regulation is repealed or other-
2 wise modified or amended.

3 **SEC. 23. AMENDMENT TO INSPECTOR GENERAL ACT OF**
4 **1978.**

5 Section 2 of the Inspector General Act of 1978, ap-
6 proved October 12, 1978 (5 App. U.S.C.) is amended by
7 inserting “Federal Aviation Administration,” immediately
8 after “Veterans’ Administration,”.

9 **SEC. 24. AMENDMENTS TO GENERAL SCHEDULE.**

10 (a) Section 5312 of title 5, United States Code, is
11 amended by adding at the end the following:

12 “Administrator, Federal Aviation Administration.”.

13 (b) Section 5313 of title 5, United States Code, is
14 amended by striking “Administrator, Federal Aviation Ad-
15 ministration.” and inserting in lieu thereof the following:
16 “Deputy Administrator, Federal Aviation Administra-
17 tion.”.

18 (c) Section 5315 of title 5, United States Code, is
19 amended by striking “Deputy Administrator, Federal
20 Aviation Administration.” and inserting in lieu thereof the
21 following: “Assistant Administrators, Federal Aviation
22 Administration (8).

23 “Chief Counsel, Federal Aviation Administration.”.

24 (d) Section 5316 of title 5, United States Code, is
25 amended by adding at the end of the following:

1 “Inspector General, Federal Aviation Administra-
 2 tion.”.

3 **SEC. 25. EFFECTIVE DATES.**

4 The provisions of this Act shall take effect upon the
 5 expiration of the 180-day period following the date of en-
 6 actment of this Act.



S 2546 IS——2

S 2546 IS——3